

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

North American Company for Life and
Health Insurance,

Plaintiff,

vs.

Alisha D. Jones and Joseph E. Schrider,

Defendants.

Civil Action No. 0:21-4094-CMC

ORDER

This matter is before the court on Plaintiffs' interpleader Complaint, seeking to deposit life insurance proceeds under a policy ("the Policy") for its insured, Barbara E. Jones. ECF No. 1. Both the insured's daughter, Alisha D. Jones, and her ex-husband, Joseph E. Schrider, claim to be the proper beneficiary of the Policy, and are named as Defendants in the action. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(c), DSC, this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation ("Report").

Plaintiff filed a Motion to deposit interpleader funds, for attorney's fees, and for dismissal on June 16, 2022. ECF No. 31. Defendants were given notice of their right to file a response and the deadline by which to do so. ECF No. 32. Defendant Schrider filed a response (ECF No. 34), but Defendant Jones did not. On August 24, 2022, the Magistrate Judge issued a Report recommending the Motion (ECF No. 31) be granted and that Plaintiff receive attorneys' fees from the proceeds of the Policy, be allowed to deposit insurance funds with the Clerk of Court, and be dismissed with prejudice. The Magistrate Judge advised the parties of the procedures and

requirements for filing objections to the Report and the serious consequences if they failed to do so. The court has received no objections and the time for filing has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff’s Motion (ECF No. 31) is granted, and Plaintiff shall be awarded attorneys’ fees of \$12,831.50 from the proceeds of the Policy. Plaintiff is permitted to deposit insurance funds of \$100,000 less attorneys’ fees of \$12,831.50 with the Clerk of Court, and the Clerk shall deposit the insurance funds into the registry of the court in an interest-bearing account pending resolution of this action. Plaintiff is hereby dismissed from this case with prejudice. The

court has set a telephone conference in this case for October 6, 2022, at which Defendants Jones and Shrider shall appear by phone. The attached notice includes information regarding the number to call and how to dial-in to the conference call.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
September 22, 2022